REMARKS

The Examiner has alleged in Office Communication dated August 26, 2003 that the claims are drawn to patentably distinct inventions. Accordingly, the Examiner has required restriction of the instant application under 35 U.S.C. §121 to one of the following claim Groups:

I. Claims 1-11, 17, 23-26, 31-33 and 12, drawn to a process for detecting threonine or serine kinase activity requiring a sequence motif that comprises proline, glutamate, glycine, or combinations thereof;

II. Claims 1-11, 17, 23-26, 31-33, 13 and 14, drawn to a process for detecting threonine or serine kinase activity requiring the substrate to be the active site loop of JNK1, the active site loop of JNK2, or the active site loop of JNK3;

III. Claims 1-11, 17, 23-26, 31-33, and 15, drawn to a process for detecting threonine or serine kinase activity requiring the substrate to comprise the amino acid sequence of SEQ ID NO:2;

IV. Claims 1-11, 17, 23-26, 31-33, and 22, drawn to a process for detecting threonine or serine kinase activity requiring that the antibody is a polyclonal antibody specific for a bis-phosphorylated active site; and

V. Claims 29 and 30, drawn to an immunoassay for screening modulators of threonine or serine kinase activity.

The Examiner has alleged that the proteins of Groups I to IV are functionally and structurally different, thereby imposing an unreasonable search burden. The Examiner has also alleged that Groups I to IV are separately patentable from Group V because Groups I to IV relate to methods of serine/threonine kinase detection while Group V relates to a screening assay for modulators of serine/threonine kinase activity. The Examiner has acknowledged that Claims 1-11 and 17 link the inventions of Groups I, II, III, and IV.

In response, Applicants elect to prosecute the claims of Group V (claims 29-30) without traverse in the present application. Applicants reserve the right to pursue the subject matter of the non-elected claims in further applications and to traverse the instant grouping of claims on any grounds.

Applicants do not believe that any fees are required with this Response. Nevertheless, the Commissioner is hereby authorized to charge any required fees not otherwise enclosed herewith to Deposit Account No. 02-4377. Two copies of a Fee Transmittal sheet are enclosed.

Respectfully submitted,

September 22, 2003

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